

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Toby Scott Nave,)	
)	
Plaintiff,)	C/A No. 8:06-1065-MBS
)	
vs.)	
)	
John Doe, Aiken County Detention Center Administrator,)	ORDER
)	
Defendant.)	
)	

Plaintiff Toby Scott Nave, a former pretrial detainee of the Aiken County Detention Center, filed this action in the United States District Court for the Southern District of Georgia on December 23, 2005 against Defendants Trans-Cor of America and Corporal Young. Plaintiff, proceeding pro se, filed the within complaint pursuant to 42 U.S.C. § 1983, asserting that Defendants negligently subjected him to personal injury in violation of his constitutional rights. This case was transferred to the undersigned on April 5, 2006. On May 22, 2006, Plaintiff filed an amended complaint adding a claim for inadequate medical care and naming “John Doe, Aiken County Detention Center Administrator” as a Defendant. Plaintiff’s Amended Complaint, p. 1. On September 24, 2007, Defendants Trans-Cor of America and Corporal Young were dismissed from the lawsuit.

This matter is now before the court on a motion for summary judgment filed by Defendant John Doe on November 5, 2007. On November 7, 2007, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed a response to Defendant’s motion on January 7, 2008. Defendant filed a reply on January 17, 2008.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On March 19, 2008, the Magistrate Judge issued a Report and Recommendation in which she recommended that Defendants' motion for summary judgment be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. Defendant's motion for summary judgment (Entry 31) is GRANTED, and Plaintiff's complaint is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/Margaret B. Seymour

Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 6, 2008

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.